

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Distributed Generation)
in Hawaii.)
_____)

DOCKET NO. 03-0371

ORDER NO. 21117

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Filed July 13, 2004
At 10:00 o'clock A.M.

Karen Higashi.
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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PUBLIC UTILITIES COMMISSION)	Docket No. 03-0371
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Investigate Distributed Generation)	
In Hawaii.)	
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ORDER AMENDING PREHEARING ORDER NO. 20922

I.

Introduction

On June 23, 2004, the commission held a status conference with the Parties and Participants in this docket in the commission's hearing room in Honolulu, Hawaii, pursuant to Prehearing Order No. 20922, filed on April 23, 2004, and Notice of Status Conference, dated June 15, 2004.¹

During the status conference, the Consumer Advocate, on behalf of the Parties and Participants, provided the commission with a brief status of the Parties' and Participants' progress in this investigative docket. The Parties and Participants also

¹The Parties and Participants in this docket are: THE DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), KAUAI ISLAND UTILITY COOPERATIVE, HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, INC., HESS MICROGEN, THE GAS COMPANY, PACIFIC MACHINERY, INC. ("PMI"), JOHNSON CONTROLS, INC. ("JCI"), HAWAII RENEWABLE ENERGY ALLIANCE, LIFE OF THE LAND ("LOL"), THE COUNTY OF MAUI ("Maui County"), THE COUNTY OF KAUAI AND THE DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT AND TOURISM (collectively, hereinafter referred to as "Parties and Participants"). With the exception of PMI and JCI, representatives of all Parties and Participants were present at the June 23, 2004 status conference.

raised several procedural matters. In particular, LOL requested that the commission allow the Parties and Participants to file two-sided pleadings, briefs, and other documents required to be filed with the commission in accordance with Prehearing Order No. 20922. LOL asserts that the purpose of this request is to reduce the amount of paper and copying expense for the numerous Parties and Participants in this docket. In addition, Maui County requested that, for this particular docket only, the commission allow such pleadings, briefs and other documents to be post-marked on the dates set forth in the Stipulated Regulatory Schedule approved and made a part of Prehearing Order No. 20922 rather than filed at the office of the commission in Honolulu, pursuant to Hawaii Administrative Rules ("HAR") § 6-61-15. Maui County claims that the purpose of this request is to afford the neighbor island Parties and Participants the same amount of time in filing such documents as the Oahu Parties and Participants. The Parties and Participants who attended the June 23, 2004 status conference did not oppose either LOL's request or Maui County's request.

II.

Discussion

A.

LOL's Request

HAR § 6-61-16, which governs the format for pleadings and other documents filed with the commission, provides, in relevant part, that "[t]he format for pleadings and motions as

prescribed by Rule 3 of the Circuit Courts of the State of Hawaii may be used in lieu of the requirements of this section." HAR § 6-61-16(d). Rule 3, Rules of the Circuit Courts, provides, in relevant part that "[c]opies, but not originals, may be two-sided[.]"

Consistent with the above-referenced rules, we find LOL's request to allow the Parties and Participants to file two-sided pleadings, briefs, and other documents required to be filed with the commission in this docket to be reasonable for this docket only, subject to the limitation that only copies of all pleadings, briefs and other documents submitted to the commission may be two-sided. Originals shall continue to be one-sided. Accordingly, we conclude that LOL's request should be approved, subject to the limitation noted above.

B.

Maui County's Request

Prehearing Order No. 20922 states, in relevant part: "All pleadings, briefs and other documents required to be filed with the [c]ommission shall be filed at the office of the [c]ommission in Honolulu within the time limit prescribed pursuant to [HAR § 6-61-15]." HAR § 6-61-15 provides, in relevant part: "Unless otherwise ordered, the date on which the papers are received shall be regarded as the date of filing." HAR § 6-61-15 (emphasis added).

Upon review, and to ensure an efficient and expeditious disposition of this proceeding, we find Maui County's request to

be reasonable for this docket only and limited to the filing dates set forth in the Stipulated Regulatory Schedule. Thus, we will consider briefs and other documents mailed to the commission to be filed on the date post-marked, on the dates set forth in the Stipulated Regulatory Schedule rather than the date received at the office of the commission in Honolulu, pursuant to Hawaii Administrative Rules § 6-61-15. Accordingly, the date on which the pleadings, briefs and other documents are post-marked shall be regarded as the date of filing with the commission for documents required to be filed with the commission in accordance with the Stipulated Regulatory Schedule. Parties and Participants shall continue to serve all filings, information requests and information request responses to the other Parties and Participants in accordance with the requirements set forth in Prehearing Order No. 20922. For other filings not governed by the Stipulated Regulatory Schedule, HAR § 6-61-15 shall continue to apply.

C.

Amendments to Prehearing Order No. 20922

In light of the approved procedural modifications noted above, the commission further concludes that Prehearing Order No. 20922 should be amended consistent with the terms and conditions of this order. In all other respects, Prehearing Order No. 20922, as amended by Order No. 21036, filed on June 9, 2004, remains unchanged.

III.

Orders

THE COMMISSION ORDERS:


1. Consistent with HAR § 6-61-16 and Rule 3, Rules of the Circuit Courts, LOL's request to allow the Parties and Participants to file two-sided pleadings, briefs, and other documents required to be filed with the commission in this docket is approved for this docket only, subject to the limitation that only copies of all pleadings, briefs and other documents submitted to the commission may be two-sided. Originals shall continue to be one-sided.

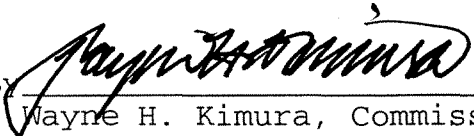
2. Maui County's request to allow pleadings, briefs and other documents to be post-marked on the dates set forth in the Stipulated Regulatory Schedule rather than filed at the office of the commission in Honolulu, pursuant to HAR § 6-61-15, is approved for this docket only. Parties and Participants shall continue to serve all filings, information requests and information request responses to the other Parties and Participants in accordance with the requirements set forth in Prehearing Order No. 20922. For other filings not governed by the Stipulated Regulatory Schedule, HAR § 6-61-15 shall continue to apply.

3. Prehearing Order No. 20922 is amended consistent with the terms and conditions of this order. In all other respects, Prehearing Order No. 20922, as amended by Order No. 21036, remains unchanged.

DONE at Honolulu, Hawaii this 13th day of July, 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kevin M. Katsura
Commission Counsel

03-0371.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21117 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: July 13, 2004